

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**MALCOLM D. ANDERSON,** )  
 )  
**Petitioner,** )  
 )  
v. )      **Case No. 3:13-cv-01418**  
 )      **Judge Trauger / Knowles**  
**STATE OF TENNESSEE,** )  
 )  
**Respondent.** )

**REPORT AND RECOMMENDATION**

This matter is before the Court upon Respondent's "Motion to Dismiss Petition and Incorporated Memorandum of Law" (Docket No. 16), to which Plaintiff has not responded.

Petitioner originally filed a Petition for Writ of Habeas Corpus on December 17, 2013, challenging his continued detention in the Rutherford County Detention Facility.<sup>1</sup> Docket No. 1. Petitioner was released from custody on January 5, 2014. *See* Docket No. 4.

Because Petitioner is no longer in custody and has not alleged any other injury or restraint of his freedom, his Petition for Writ of Habeas Corpus is MOOT. *See Demis v. Sniezak*, 558 F.3d 508, 514-15 (6<sup>th</sup> Cir. 2009). *See also, e.g., Abela v. Martin*, 309 F.3d 338, 343 (6<sup>th</sup> Cir. 2002); *Int'l Union v. Dana Corp.*, 627 F.2d 718, 720-21 (6<sup>th</sup> Cir. 1983); *Powell v. McCormack*, 395 U.S. 486, 496 (1969). Respondent's Motion to Dismiss Petition should, therefore, be

GRANTED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14)

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<sup>1</sup> Petitioner alleges no other injury or restraints to his freedom. Docket No. 1.

days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
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E. CLIFTON KNOWLES  
United States Magistrate Judge